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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Combined third and fourth periodic reports of States parties

El Salvador*

* The present document is being issued without formal editing.

For the initial report submitted by the Government of El Salvador, see CEDAW/C/5/Add.19, which was considered by the Committee at its fifth session. For the second periodic report submitted by the Government of El Salvador, see CEDAW/C/13/Add.12, which was considered by the Committee at its thirteenth session.

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Third and fourth periodic reports submitted to the Committee on the Elimination of Discrimination against Women covering the years 1987 to 1994

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Introduction

As a State party to the Convention on the Elimination of All Forms of Discrimination against Women and in fulfilment of the obligations which it assumed thereunder in June 1981, El Salvador hereby submits to the Secretary-General of the United Nations its third and fourth reports, which cover the period from 1987 to 1994.

The report includes a summary of the constitutional, legislative and administrative measures taken to promote the elimination of discrimination against women in the various aspects of their lives.

It also covers the efforts of women's groups to increase respect for their human rights.

It describes the progress made in various areas, including new reforms in the areas of labour and family law and education.

On some issues, problems relating to the period of armed conflict and the period following the signing of the Peace Agreements have made it difficult to provide disaggregated data or information on the first few years of the reporting period; nevertheless, efforts have been made to reflect that period through statistical data.

I. Overview

Population and demographic statistics

The fifth population census, carried out in 1992, showed a population of 5,118,599 as compared with the fourth such census, carried out in 1971, which showed a population of 3,544,648. In 1992, there were 2,485,613 men and 2,632,986 women (48.6 per cent and 51.4 per cent of the total population, respectively).

The population increased by 44 per cent in the period between the two censuses for an annual growth rate of 1.73 per cent.

The masculinity index varied from 88 to 98 men for every 100 women in urban areas and from 96 to 104 men for every 100 women in rural areas.

In 1993, the infant mortality rate was 55 per 1,000 live births, the maternal mortality rate was 147 per 100,000 live births and the fertility rate was 4.5 children per woman.

An estimated 525,250 people migrated during the period 1980-1992; this number represents 68.3 per cent of the number of migrants recorded for all years prior to 1992. The majority of emigrants to other countries (59 per cent) were men; 41 per cent were women. Migration was greater in urban than in rural areas (63.9 per cent and 36 per cent, respectively).

Overview of the education sector

1989 marked the beginning of a transformation in the field of education. One of the steps in this process was the promulgation of the General Education Act in 1990 and the publication of a new curriculum for the six years of primary education and of new textbooks and curriculums for the first, second and third years of basic education. The process has also involved the allocation of adequate budgetary resources, a new, efficiently functioning curriculum, full access and the necessary level of funding, bearing in mind that education requires an economic commitment that must be reflected in State budgets.

In 1992, the overall illiteracy rate was 24 per cent for men and 32 per cent for women; by 1994, it had fallen to 25 per cent.

In urban areas, the illiteracy rate is 17.7 per cent for women and 13.2 per cent for men; in rural areas, it is 38.5 per cent for men and 42.5 per cent for women.

There has been a 16.4 percentage point drop in the illiteracy rate of the population aged 10 and over from 40.3 per cent in 1971 to 23.9 in 1992.

Urban areas account for 61.0 per cent of all those attending formal education centres (721,876 people) and rural areas for 39.0 per cent (460,741 people). Boys account for 50.3 per cent and girls for 49.7 per cent of the student population.

Whereas 79.0 per cent of the population has attained the level of basic education, 12.2 per cent (49.4 per cent male and 50.6 per cent female) has reached middle school.

Some 0.31 per cent of men and 0.33 per cent of women have attained the level of the technical universities; 2.16 per cent of men and 1.58 of women have reached that of the universities.

Educational levels have an impact on employment opportunities. According to the Multi-purpose Household Survey for the period October 1991 to March 1992, women wage-earners had a lower educational level than men (between 10 and 12 years of schooling). Educational levels also have an impact on earnings; people with less education earn $105.00 per month on average, while those with 13 or more years of schooling earn up to $505.00 per month.

Over a nine-month period from October 1994 to 22 June 1995, the Education, Science and Development Committee prepared a proposal for the "Transformation of education for the peace and development of El Salvador", which was designed to lay the foundation for the preparation of a national education project.

Overview of the labour sector

In 1990, 34.6 per cent of the nation's women were economically active; working women accounted for 24.2 per cent of the working population in rural areas and 44.4 per cent in urban areas, where they were concentrated in the areas of commerce (36.4 per cent), services (32.1 per cent) and the in-bond textile assembly industry (21.7 per cent).

Women in the service sector earn 43 per cent of what men earn; female shopkeepers and sales personnel earn 59 per cent, female professionals and

technicians earn 77 per cent and female machinists and unskilled workers earn 80 per cent of what their male counterparts earn.

According to the 1992-1993 Household Survey, some 2 million Salvadorans, 37 per cent of them women and 63 per cent men, are economically active; 27 per cent of rural workers and 57.72 per cent (the majority) of workers in the informal sector are women.

There was a 1.2 per cent increase in urban employment in El Salvador between 1991 and 1993, primarily in construction, finance, commerce and transport. In the capital, San Salvador, most jobs are in the industrial sector and, in particular, in the textile, garment and footwear industries.

Overall, women are paid less than men; on average, they earn 72 per cent of what men earn. The 1993 unemployment rate was 6.85 per cent for women and 11.77 per cent for men.

One female-dominated area of employment is in-bond assembly, where 80 per cent of workers are women; in 1993, this percentage was higher than in other areas of production, such as agriculture and industry. In 1994, there were 22 companies in the free-trade zones with a total of 25,622 workers and 79 others elsewhere with a total of 17,695 workers.

In some sectors, women appear to earn more than men; for example, in construction, women's wages are 146.4 per cent of men's. However, few of those women are construction workers; most hold administrative and/or professional posts.

There is inequality in the length of the work week; in the San Salvador metropolitan area, women work at least one hour more on average than men in the industry, commerce, construction and service sectors.

II. Incorporation of women's rights in Salvadoran legislation

El Salvador is a signatory of the Convention on the Elimination of All Forms of Discrimination against Women, which it ratified in 1981, and is studying the possibility of ratifying the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, adopted by the Organization of American States in June 1994.

The Family Code was approved by Legislative Decree No. 677 of 11 October 1993 and entered into force on 1 October 1994.

This new legislation on the family replaces Book I of the Civil Code and establishes the following guiding principles in article 4: unity of the family, equality of rights of men and women, equality of rights of sons and daughters, comprehensive protection of minors and other persons lacking legal capacity, older persons and mothers when they are the sole head of household.

Article 32 of the Constitution specifies the duties of the State with regard to the comprehensive protection of the family, including minors and older persons, and establishes two systems of protection: the national system for protection of the family and older persons coordinated by the National Secretariat for the Family; and

the national system for protection of minors coordinated by the Salvadoran Institute for the Protection of Minors.

Spouses have equal rights and duties and their place of residence must be chosen by mutual agreement; all their household affairs must be managed in the same manner.

Household expenses must be borne by the two spouses in proportion to their financial means. Housework and childcare are taken into account and considered as a contribution to such expenses, in the same way as the other spouse's contributions.

Cooperation between spouses covers the assistance or cooperation which they must give each other for the performance of lawful activities, the pursuit of studies or the acquisition of knowledge, provided that such activities, acquisition of knowledge or studies shall not prevent the fulfilment of the duties imposed on them by the Family Code.

Responsibility for housework and childcare shall be shared.

Entitlement to alimony is based on the imbalanced situation resulting from divorce, which causes an appreciable deterioration in a spouse's financial situation compared with the situation prevailing during the marriage. In determining the amount of alimony, the following elements are taken into account: any agreements reached between the spouses, the age and state of health of the recipient, professional skills and likelihood of obtaining employment, past and future personal devotion to the care of the family, duration of the marriage and of marital cohabitation, working collaboration in the other spouse's own activities and the wealth and financial means of each party.

Article 249 of the Code provides for support for pregnant women. Paternity must be established in order to confer entitlement. Such support shall be paid throughout the pregnancy and during the three months following confinement and shall include the costs of confinement.

Article 263 deals with agreements before the Procurator-General of the Republic and decisions on alimony, which are to be enforceable.

The Commission to Review the Preliminary Draft of the Penal Code was established in 1993. The review was motivated by the need to enhance the system of administration of justice, for which purpose criminal legislation had to be made to reflect the values, principles and fundamental rights of the 1983 Constitution and modern theories of criminology, in the light of social conditions in El Salvador.

The preliminary draft covered offences such as sexual harassment, domestic violence, non-fulfilment of obligations to provide economic support and job discrimination.

In the area of employment, reforms were introduced in the 1994 Labour Code. The reforms related to aspects considered to discriminate against women. Article 104 specified that work by women and minors should be appropriate to their age, sex, physical condition and development. The reference to women was deleted. Article 105 prohibiting the employment of women in unhealthy and dangerous work was deleted.

Article 111, authorizing the transfer to a different post of a pregnant woman whose work involved dealing with the public, and article 112, referring to the right

of a female worker to return to the job she occupied before her pregnancy, were deleted.

Provisions were added to the Code guaranteeing the rights of women workers, such as additional prenatal leave in the event of pregnancy-related illness.

Moreover, a provision was added concerning the right of women workers to breastfeed and to be paid during breaks for that purpose.

III. Participation of women in political and public life

States parties shall ensure equality in the exercise of political rights, especially the right to vote and to be eligible for election; equal access to public office; and women's participation in non-governmental organizations and associations concerned with the public and political life of the country.

The Constitution of the Republic provides in article 72 that: "Citizens shall have the following rights: 1. To vote; 2. To form political parties in accordance with the law and to join existing parties; 3. To run for public office, subject to the requirements laid down in this Constitution and the secondary legislation".

Participation of women in the political process

In September 1990, about 150 women representing 45 organizations attended a workshop on the participation of women in the political process and in the building of democracy and peace in the country, organized by the Inter-American Commission of Women and the Technological and Scientific Research Centre.

The goals of the meeting were, in general, to formulate basic strategies for the full and equal participation of women in the political process and in the building of democracy and peace in the country and, in particular, (a) to initiate a broad, pluralist, democratic and supportive dialogue among women, allowing progress in the search for strategies for the full and equal participation of women in politics and in the process of building democracy and peace in the country; (b) to identify women's strategic interests in the political process and peace-building in the country; (c) to identify items of common concern to all women, regardless of their political tendencies, so as to motivate them to participate actively in the political life of the country.

A comparison of the number of women elected to the Legislative Assembly and municipal mayoralties in 1991 and 1994 shows:

	1991	*1994*
Legislative Assembly (84 seats)	7 women (8.3%)	9 women (10.7%)
Municipal Mayoralties (262 seats)	32 women (12.2%)	
Participation of women in the exercise of power		

The three branches of government are the executive, the legislative and the judicial branches.

In the Cabinet, in the period 1989-1994, there was one female minister (Ministry of Planning) and three female deputy ministers (external cooperation, health and education).

In the legislative branch, in the period 1994-1997. there were 9 women Deputies out of a total of 84, and a woman Deputy held the post of President of the legislature.

In the judicial branch, 2 women and 13 men are judges in the Supreme Court of Justice, which is the highest judicial authority.

In 1994, the numbers of women judges were as follows: in offices of justices of the peace, 136 women justices out of a total of 319; in courts of first instance, 48 women judges out of a total of 135; in appellate courts, 4 women judges out of a total of 48.

In the period ending in 1994, in municipal governments the proportion of women heads of town and city councils was 12.2 per cent.

IV. Right of women to organize

Women's organizations or organizations with women members are not a recent development; different organizations have been established at various times. However, it is worth mentioning the establishment of Mujeres 94, which is made up of a broad range of women's organizations and groups, and also independent women, both rural and professional, in the informal sector; they drafted a document entitled "Platform of Salvadoran women", which was made public in August 1993.

This Platform was the outcome of a process of open consultations and discussions — held in eight forums — which focused on the situation of women in El Salvador; the findings were used in drafting the platform. It is divided into five areas:

1. Development
2. Economic
3. Social, which includes education, violence, health and housing
4. Legal
5. Political

Demands are grouped as follows:

1. Sustainable human development with a gender perspective, which includes:
   (a) participation of women in programme planning and implementation;
   (b) establishment and operation of a commission in which women would elaborate, implement, monitor and evaluate social and development policies;

(c) establishment of community services such as child development centres, mills, laundries and community kitchens;

(d) diagnostic studies with a gender perspective.

2. Economic area which includes

Formal sector

(a) job creation;

(b) establishment of a Bureau of Women's Affairs in the Ministry of Labour;

(c) equal pay for men and women;

(d) measures to prevent discrimination on grounds of maternity, sexual harassment;

(e) review of working conditions with a view to improving them.

Informal sector

(f) creation of special credit lines;

(g) training in organization and administration of cooperatives;

(h) programmes for obtaining credit;

(i) research on mistreatment of women in the informal sector;

(j) establishment of permanent market stalls for women working in markets;

(k) training for women domestic workers to inform them of their rights.

Rural workers

(l) participation of women members of rural organizations in the formulation, design, monitoring and follow-up of agrarian policies;

(m) land grants;

(n) implementation of special training programmes on financial management, business cooperatives and agricultural production techniques;

(o) access to credit;

(p) establishment of community services;

(q) payroll registration of women day labourers;

(r) equal pay for women day labourers;

(s) creation of a Bureau of Women's Affairs in the Ministry of Agriculture;

(t) establishment of a women's secretariat within the boards of directors of cooperatives.

3. Social area. This comprises:

(a) The educational system. The need here is for:

- educational reform so as to encourage non-sexist education;
- the guarantee of free education;
- training in gender theory;
- promotion of women's participation in technical and advanced university studies;
- creation of gender studies departments in universities;
- establishment of specialized documentation centres;
- sex education in the curriculum;
- reproductive health education.

(b) Violence against women, which calls for:

- incorporation into the school curriculum at all levels;
- elimination of messages that incite violence or present stereotyped images of women;
- campaigns highlighting the effects and consequences of violence;
- self-defence for girls;
- promotion and publication of research on the incidence of the various forms of violence;
- creation of police stations for women in every department;
- opening of clinics specializing in the treatment of women victims of domestic violence;
- creation of shelters;
- implementation of measures to enable women to stay in the family home, by guaranteeing that the aggressor is kept away;
- creation of domestic violence hotline;
- training in gender violence for professionals working in institutions that provide treatment for women victims of violence.

(c) Health system, which calls for:

- primary care;
- free medical care and medicine;
- complete installation of women's hospitals;
- promotion of nutritional education;
- information on birth control;
- free and confidential AIDS testing;
- non-discrimination in the treatment of prostitutes;

- proper care for women prisoners;
- implementation of policies to guarantee free and voluntary maternity;
- conditions for the voluntary termination of pregnancy.

(d) Housing, which involves:

- implementing programmes for decent housing with ownership for women in marginal urban sectors;
- access to housing for rural and city women, with special emphasis on women heads of household;
- abolition of eviction policies in marginal areas.

4. Legal area, which includes:

(a) A general component on:

- judicial reform;
- establishment of a standing commission of women lawyers;
- recognition of maternity as a choice;
- adoption of a law increasing economic support percentages;
- legal regulation of access of women to housing;
- expansion of the principle of equality under the constitution for the disabled, persons with a different sexual orientation and ethnic groups;
- organization of campaigns on the legislation by the Office of the National Counsel for the Defence of Human Rights.

(b) On violence:

- characterization of domestic violence as an offence;
- characterization of rape as an offence subject to public prosecution;
- elimination of stereotypes in legal provisions, as in the case of the provision on rape of a prostitute;
- characterization of sexual harassment as an offence;
- regulation on the image of women presented in the media.

(c) Regarding labour law, special mention is made of:

- ILO Conventions on women's rights which have not been ratified;
- equal pay;
- review of legislation on women domestic workers;
- establishment of regulations concerning women who engage in prostitution, while respecting their human rights;
- penalties for members of security forces and other authorities who blackmail and abuse prostitutes;

- with regard to agrarian law there is:
- the need to ensure women's access to land ownership.

(d) Concerning the Family Code:

- revision and approval of the draft Family Code which establishes the need to change the relations of power within the family;
- need to take into account the observations of women's organizations;
- establishment of family courts;
- on prison law;
- recognition of the human rights of women prisoners by putting into order and systematizing prison law into a single body of law;
- regulation of the activities of the staff of prison facilities and provision of training for them in the humane treatment of female prisoners.

5. Political area. There is a need for:

(a) A Ministry for Women's Affairs;

(b) A programme geared to women's rights;

(c) Dues for membership in political parties.

V. Right to education

States parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and, in particular, to ensure the same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in rural as well as in urban areas, and for vocational training; access to the same curricula; the elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education; the same opportunities to benefit from scholarships and other study grants; the same opportunities for access to programmes of continuing education; the organization of programmes for girls and women who have left school prematurely; the same opportunities to participate actively in sports; access to information to help to ensure the health and well-being of families, including advice on family planning.

The Constitution of the Republic provides, in article 53, that "the right to education and culture is inherent to the human person; in consequence, the preservation, promotion and dissemination of this right is an obligation and primary end of the State. The State shall promote research and scientific activity".

Article 54 refers to the organization of the educational system, for which the State is to establish the necessary institutions and services.

The objectives of education, as envisaged in article 55, include:

- Achieving the full development of the personality in its spiritual, moral and social dimensions;

- Contributing to the construction of a more prosperous, just and humane democratic society;
- Inculcating respect for human rights and the observance of the corresponding obligations;
- Ensuring that parents have a prior right to choose the kind of education that shall be given to their children.

It is the right and the duty of all inhabitants of the Republic to receive pre-school and primary education that equips them to act as useful citizens. The State is to promote the establishment of special education centres. The teaching provided in official educational establishments is to be essentially democratic.

Article 58 prohibits discrimination against any person in the granting of access to educational establishments because of the marital status of his or her parents or guardians or because of social, religious, racial or political differences.

Article 61 provides that higher education shall be governed by a special law and that the State shall be responsible for ensuring the democratic functioning and suitable academic level of institutions of higher education.

Under El Salvador's economic and social development plan for 1989-1994, a national population policy was introduced in 1993. It is based on the principles of the individual rights of human beings as subjects and beneficiaries of the development process. The policy includes guidelines for action in the field of education, information and communication on population issues, particularly with respect to integrating experiences with the values of equality and joint participation by women and men in all aspects of life into plans and programmes at all levels of education, and integrating experiences with population education into programmes and projects on literacy, materials for beginning readers and adult education in general.

In 1990, in Thailand, El Salvador signed the World Declaration on Education for All: Meeting Basic Learning Needs, which focuses essentially on learning acquisition and outcome rather than exclusively on enrolment, continued participation in organized programmes and completion of certification requirements.

The World Bank considered that, in 1990, spending on textbooks, teaching materials and other essential operational inputs amounted to less than $1.00 per student per year.

The education budget was equivalent to 2.1 per cent of gross domestic product (GDP) in 1987, 1.6 per cent in 1990 and 2.1 per cent in 1994.

In 1989, the payment of salaries in the educational system accounted for 96 per cent of the budget of the Ministry of Education.

In 1992, the school repetition rate was 7.8 per cent and the drop-out rate was 9.7 per cent; these rates were influenced by the phenomenon of teenage pregnancy.

Enrolment ratio, 1990

Primary school age (6-11 years)	*Secondary school age (12-17 years)*	*Tertiary school age (18-23 years)*
Female as % of male	Female as % of male	Female as % of male
119	97	82

Source: Human Development Report 1995, UNDP.
Female first-, second- and third-level combined gross enrolment ratio (1992): 54 per cent.

Model programmes

In 1991, with support from the United Nations Children's Fund (UNICEF), El Salvador carried out a pilot project for expanding educational services. In its follow-up phase, it became the EDUCO Programme: Education with Community Participation. One component of this programme consists of **Parents' Schools**, an educational strategy carried out with the help of Boards of Directors of parents, students and leaders and members of the community. Another component consists of **alternative classrooms** that include two or more of the grades enrolled in a given school, which work simultaneously but separately. **Special education classrooms** represent an education strategy to cover special-needs children living in rural areas. **Distance learning** consists of creating and transmitting, at the lower secondary-school level, television programmes and printed materials to provide learning experiences for students in rural areas.

VI. Right to work

States parties shall ensure women, on the basis of equality with men, the right to work, to the same employment opportunities, to the application of the same criteria for selection in matters of employment, and to all benefits and other conditions of service.

Women encounter serious obstacles in entering the workforce because of their family responsibilities, housework and motherhood. According to the 1991-1992 household survey, the economically active female population was 127,925, out of a total workforce of 387,557.

The majority of workers in the informal sector are women and they work on either a full-time or a part-time basis. In 1993, 15 per cent of the women in the informal sector in the metropolitan area of the capital, San Salvador, were illiterate, while 85 per cent knew how to read and write. More than 50 per cent have completed only six years of schooling; 37 per cent have completed from 7 to 12 years, and only 10 per cent have had one or more years of higher education.

Breakdown of the economically active population by labour market and sex

Labour market	*1994/Men*	*1994/Women*	*% Women*
Formal sector	358 990	209 574	36.9
Informal sector	265 587	279 073	51.2
Employed full-time	439 151	307 631	41.2
Employed part-time	185 426	178 016	49.0

Source: 1994 Multi-purpose Household Survey.

The revised Labour Code of 1994 provides that, when establishing remuneration, there should be no discrimination based on sex, age, race, colour, nationality, political opinion or religion. Currently, there is a gender wage gap because men and women have different types of employment.

Women's salaries as a percentage of men's, by occupational group

Professionals	84.5%
Technical workers	78.9%
Office workers	96.2%
Skilled and unskilled workers	57.9%

Source: FUSADES, 1994 Labour Market Survey.

In the construction sector, unlike the other sectors, women's wages are higher than men's not because women work as construction workers, but because they work at a different level than men since they occupy administrative and/or professional positions.

Women's wages as a percentage of men's, by sector of activity

Sector of activity	*1992/1993*	*1994*
Industry	57.8%	67.3%
Construction	173.2%	141.8%
Commerce	63.6%	57.2%
Services	56.6%	58.9%

Source: 1995 Multi-purpose Household Survey.

Women in the informal sector

Women represent a significant proportion of workers in the informal sector of the economy. According to the 1991-1992 Multi-purpose Household Survey, of a total of 129,191 persons who were employed, 18,368 were women working in the formal sector and 31,816 were women in the informal sector.

Participation of women and men in the urban informal sector, by sector of activity. 1991-1992

Sector of activity	*Women*	*Men*
Industry	9 266	6 519
Commerce	16 728	7 421
Services	5 207	1 435
Construction		3 813
Transport and communications	123	3 813
Agriculture	492	10 045
Financial institutions		123

Source: 1991-1992 Multi-purpose Household Survey.

Maternity protection

Maternity should not prevent women from exercising their right to work or be grounds for discrimination.

Articles 110, 113 and 309 of the Labour Code regulate maternity benefits. Article 110 states that: "*employers shall not assign pregnant women any work requiring physical effort incompatible with pregnancy. It is assumed that any work requiring considerable physical effort is incompatible with pregnancy after the fourth month*".

Article 113 provides that: "*As soon as pregnancy begins and until the end of the post-natal leave, de facto dismissal or dismissal resulting from previous legal proceedings shall not lead to the termination of a female worker's contract, unless the cause of such dismissal pre-dates the pregnancy; however, even in the latter case, dismissal shall not take effect until immediately after the end of the above-mentioned period of leave*".

Article 309 concerns the employer's obligation to grant pregnant working women 12 weeks of maternity leave, six of which must be taken after the child is born, and must also pay in advance the equivalent of 75 per cent of the woman's basic wage during such leave. It also establishes that any illness resulting from the pregnancy must be certified by a medical practitioner and, in this case, the worker shall be entitled to supplementary prenatal leave. When confinement occurs after the due date, the leave taken prior to confinement shall always be extended until the actual date of the confinement and the duration of the mandatory post-natal leave shall not be reduced.

Article 312 (2) and (3) of the Labour Code refers to breastfeeding: "*If a woman worker is breastfeeding her child, she shall be entitled to a break of up to one hour a day for this purpose. At her request, this break may be divided into two 30-minute breaks.*

The break provided for in the preceding paragraph shall be counted as time worked and shall be paid accordingly."

International Labour Organization (ILO) Convention No. 111 concerning Discrimination (Employment and Occupation) was adopted by the executive branch, by Executive Decision No. 259 of 12 April 1994, and ratified by the Legislative Assembly, by Legislative Decree No. 78 of 14 July 1994, and published in Official Gazette No. 157 of 26 August 1994.

VII. Right to health

States parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning. States parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Comprehensive health care is fundamental to the full development of women. Training and information on sexual and reproductive health can help reduce teenage and unwanted pregnancies and also abortions. Health issues should be addressed by seeking alternatives which promote physical and mental well-being and provide health care tailored to the needs of women, girls and adolescent girls.

The 1994-1999 Government Plan includes a section on health and nutrition that is designed to provide quality health care with equity for all by:

- Increasing the coverage, equity and quality of health services;
- Improving efficiency and competitiveness in health services;
- Reducing infant mortality and improving nutritional levels;
- Strengthening conditions that are conducive to better health for women;
- Expanding community health and education programmes.

The overall policy embodied in the 1994-1997 National Health Plan assigns priority to the following areas:

- Comprehensive care during pregnancy, confinement and the post-natal period;
- Multiparity and close spacing of pregnancies, especially among younger women;
- Maternal and child nutrition and breastfeeding;
- Sexually transmitted diseases: STDs, HIV/AIDS, AIDS and uterine and cervical cancer.

The fertility rate is 125 births per 1,000 women between the ages of 14 and 19.

Maternal mortality is influenced by a number of factors, including the economic, legal and family environment, poverty, access to social resources and isolation. The mother's previous health status and reproductive behaviour, as well as access to quality reproductive health services, also play a part.

According to the National Family Health Survey (FESAL-93), the maternal mortality ratio for the period 1988-1993 was 158 per 100,000 live births among women aged 15 to 49.

The maternal mortality ratio in institutions, per 100,000 live births, for the period between 1990 and 1994, was as follows:

1990	*1991*	*1992*	*1993*	*1994*
109	120	89	115	78

Source: Ministry of Public Health and Social Welfare.

Forty per cent of maternal deaths occurred among women aged 20 to 24 and 30 to 34; women under 19 accounted for 15 per cent of all deaths. During the same period, 62 per cent of the women who died had not sought prenatal care.

According to the FESAL-93 survey, 51 per cent of births took place in an institutional setting, with marked differences between urban (88 per cent) and rural (33 per cent) areas. Of total births in the country, 38.1 per cent took place in Ministry of Health services, 9.7 per cent in services of the Salvadoran Social Security Institute and 3.2 per cent in private hospitals.

With regard to the prevention of gynaecological cancers according to that same survey, 67 per cent of women overall had received vaginal cytology tests (75 per cent in urban areas and 58 per cent in more remote parts of the country).

Following is the breakdown of contraceptive methods used:

Female sterilization	20.8%
Oral contraceptives	5%
Hormone injections	2.2%

Source: FESAL-93.

HIV/AIDS

AIDS requires special attention in the context of sexually transmitted diseases. The first cases were recorded in El Salvador in 1984. The National AIDS Prevention Programme was launched in 1989 as a 10-year programme. The purpose of the programme was to stop HIV transmission by providing information on sexual and perinatal prevention and screening of blood and blood products; to reduce the social impact of the disease on individual and community; and to conduct epidemiological surveillance for HIV/AIDS.

AIDS incidence and mortality

	1987	*1988*	*1989*	*1990*	*1991*	*1992*	*1993*	*1994*
Incidence	16	34	72	54	132	114	176	387
Mortality	13	18	13	13	34	19	26	56

Source: National STD/HIV/AIDS Programme.

HIV/AIDS in women of childbearing age, 1991-2000

	15-19 years	*20-24 years*	*25-29 years*	*30-34 years*	*35-39 years*	*40-44 years*
AIDS	46	146	186	124	98	83
HIV	118	297	210	143	93	45

Source: AIDS notification files.
National STD/HIV/AIDS Programme.

VIII. Right to participate in economic and social life without discrimination

States parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular: (a) The right to family benefits; (b) The right to bank loans, mortgages and other forms of financial credit; (c) The right to participate in recreational activities, sports and all aspects of cultural life.

In the late 1980s, El Salvador adopted an economic reform programme; in the early 1990s, it signed the Peace Agreements. The aim was to achieve economic balance and political stability in order to consolidate democracy and begin a process of sustainable development. During the first half of the 1990s, a climate of macroeconomic stabilization was attained which was reflected in the performance of macro prices and an average annual GDP growth rate of 6 per cent.

During the first half of the 1990s, family remittances from abroad accounted for nearly 10 per cent of exports, 60 per cent of gross investment and over 80 per cent of domestic savings.

According to official data, between the mid-1980s and the mid-1990s, 47 per cent of the urban population and 63 per cent of the rural population was living in poverty. In 1992, 58 per cent of the total population was living in poverty.

Women's participation in the labour market is high in urban areas; however, they work mostly in low-quality, low-productivity jobs in the informal sector. Moreover, they carry an extra burden which limits their entry into the labour force. In approximately 30 per cent of Salvadoran families, women perform a dual role, working to meet the basic needs of the family group while also raising the children.

During the 1990s, urban poverty decreased, while the gap between urban and rural areas widened. A much higher percentage of families are poor in rural areas than in urban areas.

Percentage of families living in poverty 1991-1992

Urban	53.7
Rural	66.1

Source: FUSADES.

The work that women do at home is not recognized, and hence, they are not paid for it. These tasks are performed mostly by housewives.

Women entrepreneurs have limited access to credit, and the amounts they receive are always lower than those granted to men.

In 1993, the Vocational Training Act was adopted with a view to enabling women to learn skills that will improve their access to the job market.

Benefits

Article 398 of the Labour Code establishes maternity benefits for working women as follows: "*Employers are required by law to grant pregnant working women 12 weeks of maternity leave, six of which must be taken after the child is born; employers must also pay in advance the equivalent of 75 per cent of the woman's basic wage during her maternity leave*".

Article 312 of the Labour Code provides time off for breastfeeding: "*If a woman worker is breastfeeding her child, she shall be entitled to a break of up to one hour per day for this purpose. At her request, this break may be divided into two 30-minute breaks.*

The break provided for in the preceding paragraph shall be counted as time worked and shall be paid accordingly."

IX. Rights of rural women

States parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

The 1980s witnessed an agrarian reform process in which women accounted for a mere 11 per cent of the beneficiaries.

Ten policies were devised for the promotion and organization of peasant communities, training, business promotion, credit and marketing assistance, more beneficiaries, social development, communication and information, and agricultural debt policy. They were all aimed at guaranteeing food security and stimulating

diversification of production and exports of farm and fisheries products; improving the contribution of traditional and non-traditional exports; protecting and developing natural resources; putting technical assistance, credit and marketing at the service of the bulk of producers; and taking advantage of opportunities for irrigation and extension of agricultural space to make provision for the entire rural population.

In 1985, the Vice-Ministry of Rural Development and Agricultural Extension was created and attached to the Ministry of Agriculture, through Executive Decree No. 38 of 8 May 1985, published in Official Gazette No. 94, vol. 287, of 22 May 1985. Its purpose was to provide a direct, effective response to the various problems facing rural families, to improve the population's standard of living and quality of life and raise their economic and productive status.

On 2 December 1985, through Executive Decree No. 83, published in Official Gazette No. 230, vol. 289, of 5 December 1985, the Department of Rural Development was created in order to help consolidate and develop agrarian reform as an instrument of social and economic change and of the rural population's effective participation at all levels of national life.

The Department's policy was to promote the integration of rural women and displaced persons into national productive activity.

Rural women have very little access to land and account for less than 30 per cent of the economically active rural population.

The agrarian policy promoted in the period 1989-1994 [...] made no reference to rural women, save the acknowledgement that "rural women do not have any real access to land".

Illiteracy is more widespread in rural than in urban areas (40 per cent and 15 per cent respectively).

No records can be found of women engaged in agriculture, working for no pay on family-run farms.

X. Rights of women in family relations

States parties shall accord to women equality with men before the law. States parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations.

Article 32 of the Constitution establishes under Chapter II, Social Rights, Section One, The Family, that: "*The family is the fundamental basis of society and shall have the protection of the State, which shall enact the necessary legislation and create the appropriate organizations and services for its integration, well-being and social, cultural and economic development.*

"*The legal foundation of the family is marriage and it is based on equality of the spouses before the law.*

"*The State shall encourage marriage, but the absence of marriage shall not affect enjoyment of any rights that may be established in favour of the family*".

Article 33 states that: "*The law shall regulate the personal and economic relations between spouses and between them and their children, establishing*

reciprocal rights and duties on an equitable basis, and shall create the institutions necessary to guarantee their application. It shall likewise regulate the family relations resulting from a stable union between a man and a woman".

Article 36 states that: "*Children, whether born in or out of wedlock, and adopted children shall have equal rights with respect to their parents. Parents have an obligation to provide their children with protection, assistance, education and security.*

"*The records of the Civil Registry shall not indicate the nature of the filiation, nor shall the civil status of the parents appear on the birth certificate.*

"*All persons have the right to a name that identifies them. This matter shall be regulated by secondary legislation.*

"*The law shall also determine how paternity shall be investigated and established*".

The Salvadoran Civil Code that was in force until late September 1994 contained in Book One, Title III, article 94, provisions relating to betrothals: "*A betrothal or engagement, that is, a mutually accepted promise of marriage, is a private matter, which the laws leave entirely to the honour and conscience of the individual and which entails no obligation under civil law.*"

The age for entering into marriage was 16 for boys and 14 for girls, with the need for the express consent of the legitimate parents. An illegitimate child, whether boy or girl, who had not reached the age of 21 was obliged to obtain the consent of the mother or, failing that, of the father if the child was a natural son or daughter. In any event, those who had reached the age of 21 needed no consent.

According to Article 145 there were several grounds for divorce, including the wife's adultery, and the husband's adultery occasioning a public scandal or abandonment of the wife. Only in the event of absolute separation could either spouse seek a divorce; in all other cases only the innocent spouse was entitled to do so.

In the case of divorce on the grounds of absolute separation, the judge, without a hearing and merely at the request of the party concerned, would render a discretionary ruling for provisional separation and the **installation of the wife in a decent home.**

A divorce ruling had consequences: for example, as long as the innocent spouse was alive, the guilty spouse was deprived of parental authority and its concomitant rights with regard to the person and property of the daughters or sons, and was required to fulfil the obligation imposed on him or her.

Title VI established regulations on Obligations and Rights of Spouses. Article 182 provided that: "*Spouses shall remain faithful and shall succour and assist one another in all circumstances of life.*

"***A husband owes protection to his wife, and a wife obedience to her husband.***"

Article 183 provided: "***A husband has the right to oblige his wife to live with him and to follow him wherever he transfers his residence.***

"This right may not be exercised by coercion, but ***a husband may refuse to feed a wife who refuses to live with him without good cause. The wife, for her part, has the right to demand that her husband accept her in his home.***

"In cases governed by this article, the judge shall institute summary proceedings".

The Code placed no restrictions on women's capacity to enter into contracts.

Where sons and daughters were concerned, the Civil Code differentiated among legitimate children conceived in actual or putative wedlock; children legitimized by marriage after conception, except for those conceived in an adulterous relationship; and natural children born out of wedlock, whom the fathers may recognize via a public instrument, by means of a will, a marriage certificate, a written document or other judicial act; by supplying the Mayor or Registrar with information for the drawing up of the birth certificate; or by deed before the Public Counsel-General.

An illegitimate mother had parental authority over her sons and daughters who "*are specifically subject to that authority*" (art. 287).

"*A married person may not accept his or her illegitimate child into his or her house without the consent of the wife or husband*" (art. 290).

"*The birth of a daughter or son shall be registered by the mother or, failing that, by relatives living in the same house. The name of the father may be omitted*" (art. 312).

In September 1993, the draft Family Code and the draft decree amending the Civil Code then in force were presented to the Legislative Assembly for approval by the full legislature.

The Family Code was approved in October 1993 and entered into force in October 1994.

Article 4 of the Family Code sets out the following guiding principles: "*The Unity of the family, equality of rights of women and men, equality of rights of children and comprehensive protection of minors and other persons lacking legal capacity, older persons and mothers when they are the sole head of household*".

The Family Code regulates the personal and economic relations between spouses. Article 36, paragraph 1, states that: "*Spouses have equal rights and duties, and since they have decided to share their lives, they must live together, be faithful to one another and assist each other in all circumstances and situations*".

With regard to residence, article 37 states that: "*The spouses shall together choose their place of residence and shall manage all their household affairs by mutual agreement*".

Cooperation is governed by article 39, which states that: "*Neither spouse may restrict the right of the other to perform lawful activities, pursue studies or acquire knowledge; to this end, they must cooperate with and assist each other, organizing life in the home so that such activities, acquisition of knowledge or studies do not prevent the fulfilment of the duties imposed on them by this Code.*"

"*Housework and childcare shall be the responsibility of both spouses*".

Under article 211, both parents are responsible for bringing up the children "*with great care, providing them with a stable home, adequate food and everything necessary for the normal development of their personality, until they come of age. In caring for the children, they must take into account the child's capacities, skills and inclinations.*

"*When children come of age and continue studying, making good use of their time and achieving good results, the parents must support them until they finish their studies or take up a profession or occupation.*

"*The parents have the obligation to care for their children from the moment of conception*".

"*When parents do not live together or are separated or divorced, the personal care of the children shall be the responsibility of either one of them, as agreed between them*" (article 216, paragraph 2).

With regard to relations and treatment, article 217 states that: "*Even when they do not live with their children, parents shall maintain an emotional relationship with them and treat them in a way that fosters the normal development of their personality. When necessary, the judge may determine when, how and where this will be done*".

Assistance is regulated by article 218: "*Parents must provide children under their parental authority with moral and economic assistance if they are involved in juvenile or criminal proceedings and must cover the cost of their legal defence*".

Article 277 of the Penal Code governs non-fulfilment of obligations to provide economic support: "*A parent, adoptive parent, guardian or caregiver of a child under 18 years of age or of a disabled person who deliberately fails to provide the essential means of subsistence required of him under a final enforceable civil judgement, an agreement concluded in the Office of the Procurator-General of the Republic or elsewhere, or a ruling by that institution shall be subject to 15 to 50 days' fine*".